

SEC. 4. Repeal—take effect. All acts and parts of acts conflicting with the provisions of this act, are hereby repealed; and this act shall be in force from and after its publication in the Reporter and Republican newspapers published at Iowa City.

Approved, January 24th, 1853.

I certify that the foregoing act was published in the Iowa Republican, Feb. 2d, and Iowa Capital Reporter, February 9, 1853.

GEO. W. McCLEARY,
Secretary of State.

[162] CHAPTER 103.

DESMOINES RIVER IMPROVEMENT.

AN ACT to secure to the electors of Iowa, the right to elect a commissioner and register of the Des Moines river improvement, and to make further provisions for the prosecution and completion of said improvement.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. Election—commissioner and register—term—returns—qualifications. That there shall be a commissioner and register of the Des Moines river improvement elected by the qualified electors of this state, on the first Monday of April, 1853, who shall hold their respective offices for the term of two years and until their successors are elected and qualified; the said election to be conducted as other state elections are, and returns made, canvassed, and certified, as provided in the case of other state officers; and the said commissioner and register to qualify as is provided in sections 3 and 4 of "an act to secure the more vigorous prosecution and early completion of the Des Moines River Improvement," etc., approved Feb. 5th, 1853.

SEC. 2. Assistants. That for the purpose of aiding the commissioner in conducting or concluding any contract, or agreement, under the provisions of this act, or any other act on the subject of the Des Moines River Improvement, George G. Wright, of Van Buren county, and Uriah Biggs of Wapello county, are hereby appointed his assistants, with equal power with said commissioner, in making and determining such contracts and agreements, as are mentioned in section 6 of this act.

SEC. 3. Oath. Prior to the said assistants entering upon the discharge of the duties devolved upon them, they shall each take and subscribe an oath that they will faithfully and impartially discharge their said duties, which said oath shall be filed with the register.

SEC. 4. Duties—powers. The duties of said assistants shall not extend any further than to aid said commissioners in negotiating such contracts or agreements as are contemplated in this act, or any other act passed at the present session of the general assembly; and any thing in this act, or any act on the subject of the Des Moines river improvement, which vests authority and power in the commissioner and register to make contracts and agreements, is herein so modified as to vest said power and authority in the said commissioner and the two assistants.

SEC. 5. Pay. The compensation to each of the said assistants shall be three dollars per day, for each day he may be necessarily engaged in negotiating as aforesaid, to be paid out of any moneys arising from the sales of lands granted to this state, to aid in improving said river.

SEC. 6. Contracts—tolls and water rents—settlers—rate—unsurveyed lands. That the said commissioner and assistants, in contracting for the means to carry on said improvement, shall not make any contract, or agreement, with any company, or individual, under the provisions of this act, or any law now in force, or which may be in force at the time of making said contract, or agreement, unless such contract or agreement stipulates for at least thirteen hundred thousand dollars to be faithfully expended in the payment of the debts and liabilities of said improvement, and to the completion thereof to the greatest extent practicable: provided, that if it be necessary, in order to effect a contract, or agreement of the character in this section mentioned, such contract or agreement may convey to any company, or individual, the right to the tolls and water rents arising from said improvements for such length of time, and upon such terms as they may deem expedient: provided, any of said lands which may be claimed by bona fide settlers, at the time of taking effect of this act, may be purchased by such settlers, at any time before the first day of December next, under such rules and regulations as may be established by said commissioner and register; and any contract made as herein contemplated, shall reserve to said settlers the right to purchase, as aforesaid, one hundred and sixty acres, at the rate of \$1.25 cents per acre; provided, however, that where such *bona fide* settlement is now made on lands, which are not now surveyed, said settlers shall have the right to purchase their said lands, under the regulations aforesaid, at any time within one year after said lands are surveyed, at the rate per acre above named.

[164] **SEC. 7. Salary to cease—unfinished work—preservation.** If no contract or agreement shall have been made by said commissioner and assistants, on or before the first day of September, 1853, of the character of that required in section 6 of this act, then from that day the compensation to all officers connected with said improvement, except the register and one engineer, whom he shall employ, shall cease; and all operations connected with said work, except such parts as are now under contract, shall be suspended until further legislation can be had on the subject. But the register shall, nevertheless, cause the unfinished work, not now under contract, to be placed in such condition as to prevent injury, and shall also see that all the property of the state, connected with the work is carefully preserved, and exercise all other powers connected with said improvement now vested by law in the commissioner, except as herein otherwise provided.

SEC. 8. Propositions. If at any time subsequent to the first of September, 1853, the register shall receive propositions, from any individual or company, which he deems of sufficient importance, he may submit the same to the commissioner and the assistants; and, should a contract of the kind required in this act be consummated, then the salary of the commissioner shall again commence to run; and the improvement shall proceed, under such contract, as though the work had not been suspended.

SEC. 9. State to be protected. Any contract made under the laws now or hereafter to be in force, shall be so made as to protect the state from any damages under any pre-existing contract; and, in no event shall the state be liable for any contract made, or to be made; but the person or company contracting shall look alone to the funds belonging to, and arising from, said improvement.

SEC. 10. Repeal—take effect. All acts and parts of acts coming in conflict with the provisions of this act are hereby repealed; and this act shall take

effect and be in force, from and after its publication in the Iowa Star and Des Moines Republic.

Approved, January 24, 1853.

I certify that the foregoing act was published in the Des Moines Republic Feb. 3, and Iowa Star Feb. 10, 1853.

GEO. W. McCLEARY,
Secretary of State.

[165] CHAPTER 104.

WATER CRAFTS, ETC.

AN ACT to provide for the taking up of water crafts found adrift, lost goods and estray animals.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. ~~Take up—value—affidavit—justice of the peace to issue warrant—appraisers—appraisal—report—estrays book—copy—record.~~ That if any person or persons shall hereafter stop, or take up, any keel or flat boat, ferry boat, batteau, pirogue, canoe, or other vessel, or water craft found adrift on any water course within the limits, or upon the boundaries of this state, and the same shall be of the value of five dollars, or upwards, including her cargo, tackle, rigging, and other appendages, it shall be the duty of such person or persons within five days thereafter, provided the same shall not have been previously proven and restored to the owner, to go before some justice of the peace of the proper county, and make affidavit in writing, setting forth the exact description of such vessel or water craft, where and when the same was found; whether any, and if so, what cargo, tackle, rigging or other appendages were found on board or attached thereto; and that the same has not been altered or defaced, either in the whole or in part, since the taking up, either by him, her, or them, or by any other person, to his, her or their knowledge; and the said justice shall thereupon issue his warrant, directed to some constable of his township or district, commanding him forthwith to summon three respectable householders of their neighborhood, if they cannot otherwise be had, whose duty it shall be to proceed, without delay, to examine and appraise such boat or vessel, her cargo, or tackle, rigging, and all other appendages as aforesaid, and to make report thereof, under their hands and seals, to the justice issuing such warrant as aforesaid, who shall enter the same, together with the affidavit of the taker up at large, in his estray book; and it shall be the further duty of such justice, within ten days after the said proceedings shall have been entered on his estray book aforesaid, to transmit a certified [166] copy thereof to the clerk of the county judge of the proper county, to be by him recorded in his estray book and file the same in his office.

SEC. 2. ~~Less than \$20—advertise—vest—exceed \$20—notice—newspapers—sell—county treasury.~~ In all cases where the appraisalment of any such boat or vessel, including her cargo, tackle, rigging, or other appendages, as aforesaid, shall not exceed the sum of twenty dollars, the taker up shall advertise the same on the door of the court house, and in three other of the most public places in the county, within five days after the justice's said certificate shall have been entered on the records of the county judge, and if no person shall appear to claim and prove such boat